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and all others similarly situated*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

CAROLINA BERNAL STRIFLING and
WILLOW WREN TURKAL, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

TWITTER, INC.

Defendant

Case No. 4:22-cv-07739-JST

**PLAINTIFFS' OPPOSITION TO
TWITTER'S MOTION TO DISMISS THE
COMPLAINT AND STRIKE THE CLASS
CLAIMS**

Date: April 6, 2023
Time: 2:00 PM, PST
Judge: Hon. Jon S. Tigar

1 In Twitter’s Motion to Dismiss (Dkt. 20), it argued that Plaintiffs’ sex discrimination
 2 claims under Title VII, 42 U.S.C. § 2000e, *et seq.* (Count I), and the California Fair Employment
 3 and Housing Act, Gov. Code § 12900 *et seq.* (Count II), should be dismissed because they had
 4 not yet received notices of right to sue from the Equal Employment Opportunity Commission
 5 (“EEOC”) and the California Department of Fair Employment & Housing (“DFEH”). The EEOC
 6 and DFEH have now issued notices of right to sue, as of February 22, 2023, attached as Exhibits
 7 A-D. Plaintiffs maintain that the administrative exhaustion requirement should be excused in
 8 light of the exigent circumstances of this case, given that they had reason to believe that Twitter
 9 would seek full releases of claims from the putative class members in this matter, and thus
 10 Plaintiffs needed to quickly move for a protective order. See Plaintiffs’ Opposition to Twitter’s
 11 Motion to Dismiss at 8-12 (Dkt. 27). In any event, now that the notice of right to sue has been
 12 issued, this issue is a moot point, and the case may now proceed. See *Oliphant v. City and*
 13 *County of San Francisco*, 2010 WL 1875711, at *9 (N.D. Cal. May 7, 2010) (citing *Wrighten v.*
 14 *Metropolitan Hospitals, Inc.*, 726 F.2d 1346, 1351 (9th Cir. 1984)).

16 Respectfully submitted,

18 CAROLINA BERNAL STRIFLING and WILLOW
 19 WREN TURKAL, on behalf of themselves and all
 20 others similarly situated,

21 By their attorneys,

22 /s/ Shannon Liss-Riordan
 23 Shannon Liss-Riordan, SBN 310719
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Dated: March 3, 2023

CERTIFICATE OF SERVICE

I, Shannon Liss-Riordan, hereby certify that a true and accurate copy of this document was served on counsel for Defendant Twitter, Inc. via the CM/ECF system on March 3, 2023.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan